

Desiring to be heard on the point of order, Mr. Friedel stated:

Mr. Speaker, it is true that we did not have a quorum present for the consideration of House Resolution 1042, but we had unanimous consent by the members that they would not raise a point of order.

However, Mr. Speaker, under the circumstances, in view of the point of order being raised, I withdraw the resolution.

*Parliamentarian's Note:* After the point of order was sustained, the resolution was automatically recommitted and the Committee on House Administration met again with a quorum present and filed a new report on the resolution.

## § 26. Introduction

The Speaker's referral of private and public bills and resolutions, petitions, and memorials is authorized by Rule XXII clauses 1 and 4:<sup>(6)</sup>

1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk indorsing their names and reference or disposition to be made thereof; and

6. *House Rules and Manual* §§ 849, 854 (1979). Clauses 2 and 3 of Rule XXII restrict the introduction of certain private bills and provide for the correction in errors of reference of private bills.

said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal, with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record. . . .

4. All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

Messages from the President and communications are referred pursuant to Rule XXIV clause 2:<sup>(7)</sup>

7. Senate bills are referred similarly to House bills except where a House committee has reported or is about to report a similar bill, in which case the Senate bill is customarily held at the Speaker's table. Although the Speaker has the authority under this rule to refer bills with amendments between the Houses to committee, he rarely does so.

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

The rules of the House of Representatives as in effect in the 93d Congress listed, in Rule XI, the subject-matter jurisdiction of each standing committee of the House; the Committee Reform Amendments of 1974<sup>(8)</sup> transferred the list of committees and their respective jurisdictions, as modified by those amendments, to Rule X.

Prior to the adoption of the Committee Reform Amendments of 1974, the rules permitted nei-

ther the division of a bill for reference to more than one committee nor the simultaneous referral of a bill to more than one committee, except by way of a motion to refer or to recommit.<sup>(9)</sup> Thus the reference of bills and resolutions was based on the principle of primary jurisdiction over the subject matter. On occasion, the committee of reference operated under an informal agreement whereby the recommendations of another committee with jurisdiction over a portion of the legislation would be incorporated into the report of the reporting committee,<sup>(10)</sup> and the Committee on Rules has the authority to recommend in an order of business resolution that a committee other than the reporting committee be permitted to control some general debate in Committee of the Whole and offer its informal work product as an amendment in Committee of the Whole.

Some statutes prescribe the reference to a designated committee or committees of a particular kind

8. H. Res. 988, 120 CONG. REC. 34447-70, 93d Cong. 2d Sess., Oct. 8, 1974, effective Jan. 3, 1975.

9. See 5 Hinds' Precedents §5558; §29, *infra*. A motion to recommit (or to commit or refer) may specify reference to any committee regardless of rules for jurisdiction, and may refer the bill to other than the reporting committee. 4 Hinds' Precedents §4375; 8 Cannon's Precedents §§2696, 2736.

10. See, *i.e.*, §29.1, *infra*.

of communication from the executive branch.<sup>(11)</sup> And messages from the President which overlap the subject-matter jurisdiction of more than one committee may be referred to the Committee of the Whole House on the state of the Union rather than to a specific standing committee.

The Committee Reform Amendments delegated new powers to the Speaker in the referral of bills, resolutions, and other matters, allowing referrals to more than one committee by various methods:<sup>(12)</sup>

5. (a) Each bill, resolution, or other matter which relates to a subject listed under any standing committee named in clause 1 shall be referred by the Speaker in accordance with the provisions of this clause.

(b) Every referral of any matter under paragraph (a) shall be made in such manner as to assure to the maximum extent feasible that each committee which has jurisdiction under clause 1 over the subject matter of any provision thereof will have responsibility for considering such provision and reporting to the House with respect thereto. Any precedents, rulings, and procedures in effect prior to the Ninety-Fourth Congress shall be applied with respect to referrals under this clause only to the extent that they

will contribute to the achievement of the objectives of this clause.

(c) In carrying out paragraph (a) and (b) with respect to any matter, the Speaker may refer the matter simultaneously to two or more committees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any committee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different committee, or refer the matter to a special ad hoc committee appointed by the Speaker with the approval of the House (from the members of the committees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the House thereon, or make such other provision as may be considered appropriate.

(d) After the introduction in the House of each bill or resolution the Congressional Research Service of the Library of Congress shall prepare a factual description of the subject involved therein not to exceed one hundred words; such description shall be published in the Congressional Record and the Digest of Public General Bills and Resolutions as soon as possible after introduction.

(e) No bill or resolution introduced or received in the House shall be referred to the Joint Committee on Atomic Energy.

As indicated in the new clause 5(b), Rule X, precedents as to referral occurring prior to the effective date of the Committee Reform Amendments of 1974 were to remain controlling only to the ex-

11. See §29.3, *infra*.

12. Rule X clause 5, *House Rules and Manual* §700 (1979), as added by H. Res. 988, 93d Cong., effective Jan. 3, 1975.

tent necessary to carry out the purposes of the new clause, thereby modifying the previous principle that the erroneous reference of a public bill, if uncorrected, effectively granted jurisdiction to the committee receiving it.<sup>(13)</sup> Furthermore, the Speaker's new power to sequentially refer a bill once reported from the initial committee or committees to which referred indicates that the Speaker's initial referral under the new rule does not preclude other committees from obtaining subsequent consideration of the bill, and in some cases, in addition to the bill, of a committee amendment reported by the first committee or committees.

A bill may be rereferred in the House by unanimous consent, by a motion authorized by a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.<sup>(14)</sup> But once a committee has reported a bill and it has been placed on the appropriate calendar, a motion for re-reference or a point of order that

the bill was improperly referred comes too late.<sup>(15)</sup>

Wherever possible, the discussion of the jurisdiction of the respective standing committees of the House in this division will include pertinent information and changes resulting from the adoption of the Committee Reform Amendments of 1974, but any precedents arising under those new rules of jurisdiction, and the scope of the Speaker's new powers of referral, will be preserved for later editions of this work.

Further insight into the jurisdiction of committees may be found in the legislative subject categories lists dealing with the various committees prepared by the staff of the Select Committee on Committees.<sup>(16)</sup>

#### Collateral References

Committee Reform Amendments of 1974, Explanation of H. Res. 998 as Adopted by the House of Representatives, Oct. 8, 1974, Staff Report of the Select Committee on Committees, House of Representatives, 93d Cong. 2d Sess. (1974).

Committee Organization in the House, Hearings and Panel Discussions before

13. See *House Rules and Manual* §854 (note) (1979). Rule XXII clause 3 specifically states that an erroneous reference of a private bill shall not confer jurisdiction over the committee to consider or report the same.

14. Rule XXII clause 4, *House Rules and Manual* §854 (1979).

15. Rule XXII clause 4, *House Rules and Manual* §854 (note) (1979). See also §27.7, *infra*.

16. "Monographs on the Committees of the House of Representatives", 93d Cong. 2d Sess., Dec. 13, 1974, committee print.

the Select Committee on Committees, House of Representatives, 93d Cong. 2d Sess., H. Doc. No. 94-187 (3 volumes).

## § 27. Referral of Measures to Committees; Procedure

### *Examination and Referral of Proposed Bills*

#### § 27.1 Referral of an executive communication or a bill drafted to implement a policy set forth in a Presidential message is not necessarily to the same committee to which the message was referred.

On Feb. 1, 1966,<sup>(17)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House a message (H. Doc. No. 374), on the foreign aid program from the President which, after being read, was referred to the Committee on Foreign Affairs.

Shortly thereafter, Mr. Durward G. Hall, of Missouri, initiated the following exchange with the Speaker:<sup>(18)</sup>

17. 112 CONG. REC. 1711, 89th Cong. 2d Sess.

For more detailed information on the subject of referral, see Ch. 16 §3, *supra*.

18. 112 CONG. REC. 1716, 89th Cong. 2d Sess.

Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. HALL: Referring to the first of the Presidential messages today, the one on foreign aid, in view of the last paragraph of article VIII . . . concerning the submission of two separate bills,<sup>(19)</sup> my parliamentary inquiry would involve two questions: First, would reference of the President's message to the Committee on Foreign Affairs of this House automatically involve reference of bills referred to therein to the same committee of this House?<sup>(20)</sup>

THE SPEAKER: It would depend upon the nature of the bill. The answer as to one does not necessarily follow as to the other. On the other hand, the provisions of the bill and the Rules of the House would govern.

### *Speaker Declines to Speculate About Referral*

#### § 27.2 Until a proposed bill has been examined, the Speaker declines to speculate as to what committee would have jurisdiction.

On Feb. 1, 1966,<sup>(21)</sup> shortly after a message (H. Doc. No. 374), from

19. The President's message pointed out [*id.* at p. 1713], that authorization requests for economic aid and military aid were being proposed in separate bills.

20. For Mr. Halls' second inquiry, see §27.2, *infra*.

21. 112 CONG. REC. 1716, 89th Cong. 2d Sess.